

REMARKS

Claim 4 has been amended to correct a typographical error. Claims 1-14 remain for further consideration.

The rejections shall be taken up in the order presented in the Official Action.

1. Claims 1-5 currently stand rejected under 35 U.S.C. §103(a) for allegedly being obvious over the combined subject matter disclosed in U.S. Patent 5,548,836 to Taromaru (hereinafter “Taromaru”) and U.S. Patent 6,188,447 to Rudolph *et al.* (hereinafter “Rudolph”).

Claim 1

Claim 1 is an independent claim that recites a method that includes “stepping the search receiver through its frequency band for a frequency signal value associated with the same transmitter and determining a measure of the signal strength of said frequency signal value” (emphasis added, cl. 1). The Official Action contends that Taromaru discloses the claimed method. Specifically, the Examiner alleges in Taromaru at col. 1, lines 38-43 that the receivers 30, 40 are capable of stepping/detecting through their frequency band for the frequency signal value associated with the same transmitter. (see Official Action, pg. 2). It is respectfully submitted that this rejection is improper.

A fair and proper reading of Taromaru reveals that nowhere in Taromaru, and particularly at the cited location of col. 1, lines 38-43, is there explicit or implicit disclosure regarding the stepping and associated determining functions recited by the claimed invention. Nor can “detecting” be the equivalent of “stepping”, as alleged by the Examiner. The plain wording of Taromaru, at col. 1, lines 38-43, teaches that the receivers 30, 40 receive the desired radio wave through the antennas, and the receivers are capable of detecting the instantaneous value of the

received electric field intensity. There is no discussion, either express or implied, of the stepping function and, thus, no discussion of the subsequent determining function. In Taromaru, “detecting” the instantaneous value of the received electric field intensity is not the same as the claimed method of “stepping” the search receiver through its frequency band for a frequency signal value. It is submitted that the teaching of Taromaru cannot be interpreted in any way to disclose the claimed method of stepping the search receiver through its frequency band, and then determining a measure of the signal strength of the frequency signal value.

Further, the method of claim 1 recites the step of “tuning the audio receiver to said frequency signal value if the measure of the signal strength of said frequency signal value is better than the measure of the signal strength associated with the current signal received by the audio receiver” (emphasis added, cl. 1). The Official Action contends that Taromaru discloses the claimed method. Specifically, the Examiner alleges in Taromaru at col. 1, line 64 through col. 2, line 3 that there is teaching of “tuning/selecting” (emphasis added) the output of the larger instantaneous value of the receiving electric field intensity between the receivers 30, 40. (see Official Action, pg. 2). It is respectfully submitted that this rejection is improper.

A fair and proper reading of Taromaru reveals that nowhere in Taromaru, and particularly at the cited location of col. 1, lines 38-43, is there explicit or implicit disclosure regarding the claimed method step of tuning the audio receiver to the frequency signal value. Further, the step of “tuning” as taught and claimed in the present method cannot be made equal to the function of “selecting” as taught by Taromaru. The plain wording of Taromaru, at the cited location, is that the receivers 30, 40 each receive the desired radio wave through its antennas, and the receiver that received the larger instantaneous value of the received electric field intensity will be

“selected” by the comparator 50 controlling the switch 60 to pass that strongest signal on to the receiving output. It is submitted that “selecting” between two signals cannot be interpreted in any way to disclose the claimed method of “tuning” a particular receiver (i.e., the audio receiver) to a certain frequency signal value. That is, selecting between one of two signals from corresponding receivers and passing that signal onto a certain output is not the same as tuning one of the receivers to the selected signal.

Claims 2-5

It is respectfully submitted that the rejection of these dependent claims is moot, since each of these claims depends either directly or indirectly from claim 1, which is patentable for at least the reasons set forth above.

3. Claims 11, 13 and 14 currently stand rejected as allegedly being obvious in view of the combined subject matter disclosed in Rudolph and Taromaru.

It is respectfully submitted that the rejection of these dependent claims is moot, since their associated independent claim, claim 6, is patentable for at least the reasons set forth in paragraphs 4-5 below.

4-5. Claims 6-10 and 12 currently stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by the subject matter disclosed in Rudolph.

Claim 6

Claim 6 is an independent claim that recites a system that includes “*a first receiver that is tuned to receive a signal from a certain transmitter and provide a received signal indicative*

thereof and a first quality signal indicative of the signal strength of said received signal"

(emphasis added, cl. 6). The Official Actions contends that Rudolph discloses the claimed method; specifically, at col. 3, lines 35-36 and lines 38-45. (see Official Action, pg. 5). It is respectfully submitted that this rejection is improper.

A fair and proper reading of Rudolph reveals that nowhere in Rudolph, and particularly at the cited location of col. 3, lines 35-36 and lines 38-45, is there explicit or implicit disclosure regarding the provision of a quality signal. The plain wording of Rudolph, at col. 3, lines 35-36 and lines 38-45, teaches merely that two receivers 2, 5 are provided whose inputs are connected to a hybrid circuit 18 that is connected to an antenna 1. There is no discussion, express or implied, at those two locations within Rudolph of a quality signal being provided. Thus, it is submitted that the teaching of Rudolph cannot be interpreted in any way to disclose the claimed system including a first receiver that provides a first quality signal indicative of the signal strength of the received signal.

Further, the system of claim 6 recites the limitation "*wherein said first receiver compares said first quality signal and said second quality signal, and tunes to said frequency signal value if said second quality signal indicates a better signal quality than said first quality signal*" (emphasis added, cl. 6). The Official Action contends that Rudolph discloses the claimed system; specifically, at col. 3, lines 59-67. (see Official Action, pg. 5). It is respectfully submitted that this rejection is improper.

A fair and proper reading of Rudolph reveals that nowhere in Rudolph, and particularly at the cited location of col. 3, lines 59-67, is there explicit or implicit disclosure regarding the provision of first and second quality signals from the first and second receivers, respectfully. Nor is there any disclosure in Rudolph of use of the first receiver to compare the first and second

quality signals, then the first receiver tuning to the frequency signal value if the second quality signal indicates a better signal quality than the first quality signal. The plain wording of Rudolph, at the cited location (and also through to col. 4, line 3), teaches use of a control circuit 7, which is separate and apart from the receivers 2, 5, for making a determination of reception quality and then switching the main receiver 2 over to the new frequency of the reference transmitter connected to the second receiver 5 if that frequency is of better quality than what is currently on the main receiver 2. Also, there is no express or implied teaching in Rudolph of the use of separate quality signals, as in the claimed system. Thus, it is submitted that the teaching of Rudolph cannot be interpreted in any way to disclose the claimed system including the use of first and second quality signals and the use of the first receiver comparing those signals and tuning to the respective better quality signal.

Claims 7-10 and 12

It is respectfully submitted that the rejection of these dependent claims is moot, since their associated independent claim, claim 6, is patentable for at least the reasons set forth above.

6. The prior art made of record and not relied upon has been carefully considered and it is agreed that it does not anticipate the claims nor render them obvious.

For all the foregoing reasons, reconsideration and allowance of claims 1-14 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick O'Shea". The signature is written in dark ink and is positioned above the printed name and address.

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